

HOUSE BILL No. 1111

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-30.

Synopsis: Ignition interlock devices. Makes tampering with an ignition interlock device a Class B misdemeanor under certain circumstances. Requires a court, in granting probationary driving privileges to a DUI offender (except an offender with no prior conviction), to prohibit the person from operating a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device.

Effective: July 1, 2004.

Duncan, Kuzman

January 13, 2004, read first time and referred to Committee on Judiciary.

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Introduced

Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

HOUSE BILL No. 1111

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-30-5-8 IS AMENDED TO READ AS FOLLOWS
2 [EFFECTIVE JULY 1, 2004]: Sec. 8. (a) A person who **knowingly or**
3 **intentionally** tampers with an ignition interlock device for the purpose
4 of:
5 (1) circumventing the ignition interlock device; or
6 (2) rendering the ignition interlock device inaccurate or
7 inoperative;
8 commits a Class B ~~infraction~~ **misdemeanor**.
9 (b) A person who solicits another person to:
10 (1) blow into an ignition interlock device; or
11 (2) start a motor vehicle equipped with an ignition interlock
12 device;
13 for the purpose of providing an operable vehicle to a person who is
14 restricted to driving a vehicle with the ignition interlock device
15 commits a Class C infraction.
16 SECTION 2. IC 9-30-5-10 IS AMENDED TO READ AS
17 FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 10. (a) In addition to a

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1 criminal penalty imposed for an offense under this chapter or
 2 IC 14-15-8, the court shall, after reviewing the person's bureau driving
 3 record and other relevant evidence, recommend the suspension of the
 4 person's driving privileges for the fixed period of time specified under
 5 this section.

6 (b) If the court finds that the person:

7 (1) does not have a previous conviction of operating a vehicle or
 8 a motorboat while intoxicated; or

9 (2) has a previous conviction of operating a vehicle or a
 10 motorboat while intoxicated that occurred at least ten (10) years
 11 before the conviction under consideration by the court;

12 the court shall recommend the suspension of the person's driving
 13 privileges for at least ninety (90) days but not more than two (2) years.

14 (c) If the court finds that the person has a previous conviction of
 15 operating a vehicle or a motorboat while intoxicated and the previous
 16 conviction occurred more than five (5) years but less than ten (10)
 17 years before the conviction under consideration by the court, the court
 18 shall recommend the suspension of the person's driving privileges for
 19 at least one hundred eighty (180) days but not more than two (2) years.
 20 The court may stay the execution of that part of the suspension that
 21 exceeds the minimum period of suspension and grant the person
 22 probationary driving privileges for a period of time equal to the length
 23 of the stay. ~~If the court grants probationary driving privileges under this~~
 24 ~~subsection, the court may order that the probationary driving privileges~~
 25 ~~include the requirement that the person may not operate a motor~~
 26 ~~vehicle unless the motor vehicle is equipped with a functioning~~
 27 ~~certified ignition interlock device under IC 9-30-8.~~

28 (d) If the court finds that the person has a previous conviction of
 29 operating a vehicle or a motorboat while intoxicated and the previous
 30 conviction occurred less than five (5) years before the conviction under
 31 consideration by the court, the court shall recommend the suspension
 32 of the person's driving privileges for at least one (1) year but not more
 33 than two (2) years. The court may stay the execution of that part of the
 34 suspension that exceeds the minimum period of suspension and grant
 35 the person probationary driving privileges for a period of time equal to
 36 the length of the stay. ~~If the court grants probationary driving privileges~~
 37 ~~under this subsection, the court may order that the probationary driving~~
 38 ~~privileges include the requirement that the person may not operate a~~
 39 ~~motor vehicle unless the motor vehicle is equipped with a functioning~~
 40 ~~certified ignition interlock device under IC 9-30-8.~~

41 (e) If the conviction under consideration by the court is for an
 42 offense under:

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(1) section 4 of this chapter;

(2) section 5 of this chapter;

(3) IC 14-15-8-8(b); or

(4) IC 14-15-8-8(c);

the court shall recommend the suspension of the person's driving privileges for at least two (2) years but not more than five (5) years.

(f) If the conviction under consideration by the court is for an offense involving the use of a controlled substance listed in schedule I, II, III, IV, or V of IC 35-48-2, the court shall recommend the suspension or revocation of the person's driving privileges for at least six (6) months.

SECTION 3. IC 9-30-5-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 13. (a) An order for probationary driving privileges granted under ~~section 12~~ of this chapter must include the following:

(1) A requirement that the person may not violate a traffic law.

(2) A restriction of a person's driving privileges providing for automatic execution of the suspension of driving privileges if an order is issued under subsection (b).

(3) A written finding by the court that the court has reviewed the person's driving record and other relevant evidence and found that the person qualifies for a probationary license under ~~section 12~~ of this chapter.

(4) Other reasonable terms of probation.

(b) If the court finds that the person has violated the terms of the order granting probationary driving privileges, the court shall order execution of that part of the sentence concerning the suspension of the person's driving privileges.

SECTION 4. IC 9-30-5-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2004]: Sec. 16. (a) Except as provided in ~~subsection (b)~~, **subsections (b) and (c)**, the court may, in granting probationary driving privileges under this chapter, also order that the probationary driving privileges include the requirement that a person may not operate a motor vehicle unless the vehicle is equipped with a functioning certified ignition interlock device under IC 9-30-8.

(b) An order granting probationary driving privileges:

(1) under:

(A) section 12(a) of this chapter, if the person has a previous conviction that occurred at least ten (10) years before the conviction under consideration by the court; or

(B) section 12(c) of this chapter; or

(2) to a person who has a prior unrelated conviction for an

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1 offense under this chapter of which the possession or
 2 consumption of alcohol is an element;
 3 **must prohibit the person from operating a motor vehicle unless the**
 4 **vehicle is equipped with a functioning certified ignition interlock**
 5 **device under IC 9-30-8.**

6 (c) A court may not order the installation of an ignition interlock
 7 device on a vehicle operated by an employee to whom any of the
 8 following apply:

9 (1) Has been convicted of violating ~~IC 9-30-5-1 or IC 9-30-5-2.~~
 10 **section 1 or 2 of this chapter.**

11 (2) Is employed as the operator of a vehicle owned, leased, or
 12 provided by the employee's employer.

13 (3) Is subject to a labor agreement that prohibits an employee who
 14 is convicted of an alcohol related offense from operating the
 15 employer's vehicle.

16 SECTION 5. IC 9-30-8-1 IS AMENDED TO READ AS FOLLOWS
 17 [EFFECTIVE JULY 1, 2004]: Sec. 1. If a court orders the installation
 18 of a certified ignition interlock device under ~~IC 9-30-5-16~~ **IC 9-30-5** on
 19 a motor vehicle that a person whose license is restricted owns or
 20 expects to operate, the court shall set the time that the installation must
 21 remain in effect. However, the term may not exceed the maximum term
 22 of imprisonment the court could have imposed. The person shall pay
 23 the cost of installation.

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